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2613 Craig Avenue
Concord, NC 28027-4107
2 July 1996

Mr. William F. Caton, *Secretary*
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

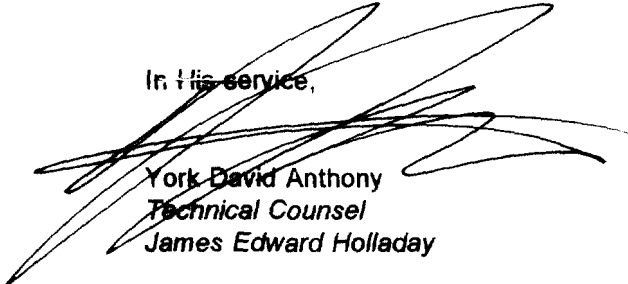
In re: James Edward Holladay
Petition for Rulemaking
47CFR §73.606
TV Table of Allotments
Leland, North Carolina

Honourable Secretary

Transmitted herewith on behalf of James Edward Holladay is an original and five copies of a Petition for Rulemaking in the above captioned manner. Leland, North Carolina lies outside any of the thirty "HDTV Freeze" zones and is accordingly not subject to the "ATSC Freeze."

No filing fee is required for this petition. A sixth copy has been presented (marked withan identical cover letter but with the caption "RETURN COPY" as has been a self addressed prepaid envelope. The courtesy of returning a timely stamped copy to this office will be appreciated. Should there be enquiry please direct it to the undersigned.

In his service,


York David Anthony
Technical Counsel
James Edward Holladay

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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In the matter of)	
)	
Amendment of Title 47 CFR §73.606(b))	RM - _____
Television Table of Allotments, §73.606(b))	
)	MM Docket # - _____
Leland, North Carolina)	

To Chief, Policy and Rules Division

PETITION FOR RULEMAKING

Comes now James H. Holladay, of 215 North Broad Street, Winston-Salem, North Carolina 27101 ("Petitioner"), who, pursuant to Title 47 Code of Federal Regulations, Chapter 1, §1.401(a); §1.420(a) and (c) pray that the Commission will issue, based on the foregoing, a Notice of Proposed Rulemaking seeking the modification of 47CFR §73.606(b), Television Table of Allotments. Specifically, the Petitioner seeks the addition of channel 49+¹ to Leland, North Carolina as its first commercial television service. In support whereof the Petitioner presents the following:

1. Standing. The Petitioner is an interested party within the definition of §1.401(a) and desires to establish a commercial television station in Leland, North Carolina as its first television service.

2. Indicia of Community Status. Leland, North Carolina is a fully incorporated city in the State of North Carolina. It has separate, distinct political boundaries, as well as a separate police, fire, political precinct, post office, and other standard organisations that define it as an ordinary community. The Commission, by delegated authority, has already taken notice of Leland, North Carolina's community status by granting an AM licence to standard broadcast station WAAV. (See Exhibit 1, Figure 3). Clearly, Leland, North Carolina is fully compliant with the Commission's regulations and practices designating a community as eligible for a television allotment.

¹ Channel 49+ refers to plus offset and is being suggested by the petitioner as the least used offset for channel 49 allotments in the relevant matter. This is usually decided by the Commission's Video Services Division, however.

3. Technical Matters. Channel 49+ may be allotted to Leland, North Carolina without the imposition of site restrictions. The coordinates given are to accommodate the petitioner's preferred site, which is approximately 2.9 km distant from Leland centre. Clearly the most modest UHF-TV station can achieve 80 dBuV from the Petitioner's preferred site. An exhaustive showing of city coverage with 80 dBuV is not required by *reductio ad absurdum*. Both a private contractor (Dataworld, Bethesda, Maryland) and the Commission's own tape verify that the spacing requirements of the Commission's rules (including so-called "taboo" channels") can be met with the proposed allotment at either Leland or the Petitioner's site. These are presented in Exhibit 1, Figures 1 and 2. Figure 2 is a DeLorme *MapExpert* plot showing the positions of the proposed site and of Leland, North Carolina. Figure 3 is a 1:24 000 USGS map with the same information.

WHEREFORE, good cause being shown, the Petitioner respectfully requests that the Commission issue a Notice of Proposed Rulemaking to modify §73.606, Television Table of Allotments, as follows:

47CFR §73.606
TELEVISION TABLE OF ALLOTMENTS

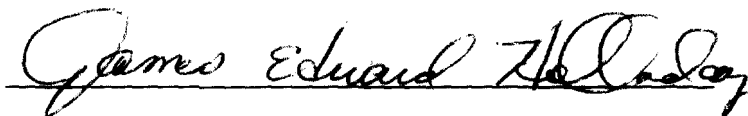
BEFORE

AFTER

LELAND, NC

49+

4. Certification of Petitioner. The petitioner certifies that the statements contained herein are true to the best of his knowledge and belief, and that he represents the applicant in the capacity indicated.



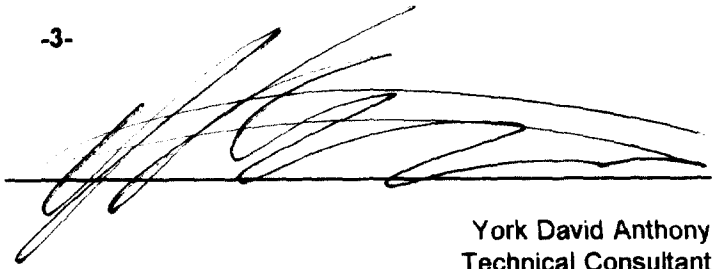
James Edward Holladay
Petitioner

This, the second day July, 1996

5. Certification of Technical Consultant. I, York David Anthony, of 2613 Craig Avenue, Concord, North Carolina, 28027-4107, do certify under penalty of perjury that the technical portions of this Petition were prepared by him directly, that the statements contained herein are true to the best of his knowledge and belief, and that he represents the Petitioner in the capacity indicated.

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-3-

A handwritten signature in dark ink, appearing to read 'York David Anthony', is written over a horizontal line.

York David Anthony
Technical Consultant
James Edward Holladay

This the first day July, 1996.

**EXHIBIT 1 FIGURE 1
JAMES EDWARD HOLLADAY
NEW TV, LELAND, NC**

PRIVATE CONTRACTOR CHANNEL SPACING STUDY

HAOS/VS 7.69.00.00 / EXEC-32 7.69.00.00 16-Jun-96 22:11:02 @CON22
 TITLE: James E. Holladay Latitude: 34-16-45
 Channel 49 Zone II Longitude: 78-01-55
 Database: DW 06/04/96 Safety zone: 119 km

Call	Auth	Licensee name	Chan	ERP	HAAT-m	Latitude	BR-to	Dist.	Req.
City of License	St	FCC File No.	Zone	(kW)	HAMSL	Longitude	-from	(km)	(km)

ALLOC			*34	-		35-46-38	341.8	175.2	119.9
RALEIGH	NC		II			78-38-21	161.5	55.25	CLEAR

ATV-PRM			34			35-46-38	341.8	175.2	119.9
RALEIGH	NC		II			78-38-21	161.5	55.25	CLEAR

WFXZ-TV CP LOCAL TV ASSOCIATES, 35 o 1400 254 35-02-27 36.1 104.9 95.70
 JACKSONVILLE NC BPCT-911106KF II DABT 264 77-21-11 216.4 9.210 CLOSE
 CP Granted 04/22/93 Per FCC release #DC-2394 dated 04/30/93;
 Call Granted 09/20/94 Per FCC release #239 dated 09/30/94; -0.75 beam tilt
 DA: Andrew ALP32M3HSOC35 @ 0 deg;

ALLOC			*41	-		33-22-30	229.5	153.7	31.40
GEORGETOWN	SC		II			79-17-24	48.8	122.3	CLEAR

ATV-PRM			42			36-27-42	7.8	244.4	95.70
ROANOKE RAPIDS	NC		II			77-39-42	188.0	148.7	CLEAR

ATV-PRM			44			35-13-44	293.1	278.3	31.40
CHARLOTTE	NC		II			80-50-45	111.5	246.9	CLEAR

ATV-PRM			45			35-36-49	21.9	159.8	31.40
GREENVILLE	NC		II			77-22-22	202.2	128.4	CLEAR

ATV-PRM			46			34-14-12	115.3	11.06	31.40
WILMINGTON	NC		II			77-55-24	295.4	-20.3	SHORT

WRMY LIC ROBERTS BROADCASTING 47 + 2000 186 35-48-40 8.7 172.0 31.40
 ROCKY MOUNT NC BLCT-920227KE II DABT 214 77-44-33 188.9 140.6 CLEAR
 Electrical BT: -0.50 deg; DA: Multi-Sat MS36-G @ 140 deg;

WGGT LIC GUILFORD TELECASTERS			48	- 1100	517	35-52-13	317.6	241.5	87.70
GREENSBORO	NC		II			79-50-25	136.5	153.8	CLEAR

ATV-PRM			49			34-14-12	115.3	11.06	280.8
WILMINGTON	NC		II			77-55-24	295.4	-270	SHORT

**EXHIBIT 1 FIGURE 1
JAMES EDWARD HOLLADAY
NEW TV, LELAND, NC**

PRIVATE CONTRACTOR CHANNEL SPACING STUDY

**TITLE: James E. Holladay
Channel 49 Zone II**

**Latitude: 34-16-45
Longitude: 78-01-55**

Call City of License	Auth Lic	Licensee name	Chan Zone	ERP (kW)	HAAT-m HMSL	Latitude Longitude	BR-to -from	Dist. (km)	Req. (km)
WJCB NORFOLK	LIC	TIDEWATER CHRISTIAN C VA BLCT-890505KE	49 - I	501	155 159	36-48-32 76-30-13	25.7 206.6	313.0 64.35	248.6 CLEAR
ALLOC NORFOLK-PORTSMTH		VA DOC-82-541	49 - I			36-51-10 76-17-21	28.3 209.4	326.3 77.67	248.6 CLEAR
WRBT-TV SPARTANBURG	LIC S C	ETV COMMISSION SC	*49 o II	1740	296	34-53-09 81-49-15	282.1 99.9	354.0 73.21	280.8 CLEAR
ATV-PRM ROANOKE		VA	49 II			37-16-24 79-56-12	333.3 152.1	374.1 93.32	280.8 CLEAR
WRAZ RALEIGH	CP	TAR HEEL BROADCASTING NC BMPCT-940908KE	50 + II	5000	548 627	35-40-35 78-32-09	343.7 163.4	161.7 73.95	87.70 CLEAR
ATV-PRM GREENVILLE		NC	51 II			35-36-49 77-22-22	21.9 202.2	159.8 128.4	31.40 CLEAR
ATV-PRM FAYETTEVILLE		NC	52 II			35-03-18 78-52-36	318.4 137.9	115.7 84.34	31.40 CLEAR
ATV-PRM FLORENCE		SC	53 II			34-11-48 79-46-06	267.2 86.2	160.2 128.8	31.40 CLEAR
ATV-PRM GOLDSBORO		NC	54 II			35-23-12 77-59-18	1.8 181.9	122.9 91.50	31.40 CLEAR
ATV-PRM MYRTLE BEACH		SC	56 II			33-42-06 78-52-30	230.7 50.2	100.8 5.130	95.70 CLOSE
ATV-PRM GREENSBORO		NC	57 II			36-04-24 79-47-36	321.8 140.7	255.6 224.2	31.40 CLEAR
WQHB SUMTER	CP	MCLAUGHLIN BROADCASTI SC BMPCT-931109KE	63 - II	13.0	165 208	33-54-52 80-17-39	259.6 78.3	212.6 116.9	95.70 CLEAR
WQHB SUMTER	APP	MCLAUGHLIN BROADCASTI SC BMPCT-960125KE	63 - II	17.4	136	33-51-56 80-17-08	258.1 76.9	213.0 117.3	95.70 CLEAR
ATV-PRM ROCKY MOUNT		NC	64 II			35-56-30 77-48-06	6.4 186.5	185.6 65.69	119.9 CLEAR

>> End of Channel 49 Study <<

**EXHIBIT 1 FIGURE 2
JAMES EDWARD HOLLADAY
NEW TV, LELAND, NC**

NTIA TAPE BASED CHANNEL SPACING STUDY

HAOS/VS 7.69.00.00 / EXEC-32 7.69.00.00 16-Jun-96 22:14:29 @CON22
 TITLE: James E. Holladay Latitude: 34-16-45
 Channel 49 Zone II Longitude: 78-01-55
 Database: FCC 04/21/96 Safety zone: 119 km

Call	Auth	Licensee name	Chan	ERP	HAAT-m	Latitude	BR-to	Dist.	Req.
City of License	St	FCC File No.	Zone	(kW)	HAMSL	Longitude	-from	(km)	(km)
ALLOC			*34 -			35-46-38	341.8	175.2	119.9
RALEIGH	NC		II			78-38-21	161.5	55.25	CLEAR
WFXZ-TV CP	GOCOM TELEVISION, L.P		35 o 2000	301		34-29-38	64.3	55.37	95.70 ²
JACKSONVILLE	NC BPCT-911106KF		II DA	306		77-29-18	244.6	-40.3	SHORT
ALLOC			*41 -			33-22-40	229.8	154.1	31.40
GEORGETOWN	SC		II			79-17-56	49.1	122.7	CLEAR
WTVI CP	CHARLOTTE MECKLENBURG		*42 + 1380	390		35-17-14	295.5	268.2	95.70
CHARLOTTE	NC BPET-941013KF		II	590		80-41-45	114.0	172.5	CLEAR
ALLOC			44 +			36-35-30	334.8	284.5	31.40
DANVILLE	VA		II			79-23-18	154.1	253.1	CLEAR
WXLV-TV CP	ACT III BROADCASTING		45 o 5000	597		36-22-37	318.4	315.1	31.40
WINSTON-SALEM	NC BPCT-940422KE		II DA	920		80-22-08	137.1	283.7	CLEAR
WJZY LIC	WJZY-TV, INC.		46 + 5000	594		35-21-44	293.8	309.9	31.40
BELMONT	NC BLCT-870320KU		II	829		81-09-19	112.0	278.5	CLEAR
WRMY LIC	ROBERTS B/C CO. OF RA		47 + 13.5	106		35-57-03	2.9	185.7	31.40
ROCKY MOUNT	NC BLCT-920227KE		II DA	156		77-55-37	183.0	154.3	CLEAR
WGGT LIC	GUILFORD TELECASTERS,		48 - 1100	517		35-52-13	317.6	241.5	87.70
GREENSBORO	NC BLCT-810515KF		II	742		79-50-25	136.5	153.8	CLEAR
WJCB LIC	TIDEWATER CHRISTIAN C		49 - 501.	155		36-48-32	25.7	313.0	248.6
NORFOLK	VA BLCT-890505KE		I DA	159		76-30-13	206.6	64.35	CLEAR
ALLOC			49 -			36-51-10	28.3	326.3	248.6
NFLK-PIMTH-NWPNS	VA DOC-82-541		I			76-17-21	209.4	77.67	CLEAR
WRET-TV LIC	SC EDUCATIONAL TV COM		49 o 1740	296		34-53-09	282.1	354.0	280.8
SPARTANBURG	SC BLET-810706KG		II	496		81-49-15	99.9	73.21	CLEAR

² The NTIA tape reflects the wrong applicant. This matter has been settled and the private contractor's database be consulted.

**EXHIBIT 1 FIGURE 2
JAMES EDWARD HOLLADAY
NEW TV, LELAND, NC**

NTIA TAPE CHANNEL SPACING STUDY

**TITLE: James E. Holladay
Channel 49 Zone II**

**Latitude: 34-16-45
Longitude: 78-01-55**

Call	Auth	Licensee name	Chan	ERP	HAAT-m	Latitude	BR-to	Dist.	Req.
City of License	St	FCC File No.	Zone	(kW)	HAMSL	Longitude	-from	(km)	(km)
WRAZ	APP	TAR HEEL BROADCASTING	50 +	5000	548	35-40-35	343.7	161.7	87.70
RALEIGH	NC	BMPCT-940908KE	II		626	78-32-09	163.4	73.95	CLEAR
WRAZ	CP	TAR HEEL BROADCASTING	50 +	5000	449	35-42-55	336.1	174.7	87.70
RALEIGH	NC	BPCT-950609KE	II		556	78-49-04	155.6	86.99	CLEAR
WVPT	LIC	SHENANDOAH VALLEY EDU	*51 -	525	680	38-09-54	345.5	446.2	31.40
STAUNTON	VA		I DA		1332	79-18-51	164.7	414.8	CLEAR
ALLOC			*52 o			36-43-03	17.6	284.3	31.40
COURTLAND	VA		II			77-04-00	198.1	252.9	CLEAR
ALLOC			*53 o			34-56-30	295.3	175.5	31.40
ROCKINGHAM	NC	DOC-80-505	II			79-46-12	114.4	144.1	CLEAR
ALLOC			*54 +			37-24-51	344.3	362.0	31.40
LYNCHBURG	VA		II			79-08-37	163.6	330.6	CLEAR
ALLOC			*56 o			36-35-09	334.7	284.3	95.70
DANVILLE	VA		II			79-23-46	153.9	188.6	CLEAR
WACH	LIC	F.C.V.S. COMMUNICATIO	57 -	5000	193	34-02-39	265.4	274.7	31.40
COLUMBIA	SC	BLCT-890215KE	II DA		275	80-59-52	83.7	243.3	CLEAR
WQHB	CP	MCLAUGHLIN BROADCASTI	63 -	12.9	165	33-54-52	259.6	212.6	95.70
SUMTER	SC	BMPCT-931109KF	II DA		208	80-17-39	78.3	116.9	CLEAR
WQHB	APP	MCLAUGHLIN BROADCASTI	63 -	17	136	33-51-56	258.1	213.0	95.70
SUMTER	SC	BMPCT-960125KE	II DA		177	80-17-08	76.9	117.3	CLEAR
WKAY	APP	KANNAPOLIS TELEVISION	64 -	1910	300	35-15-41	294.7	269.7	119.9
KANNAPOLIS	NC	BPCT-951214KI	II		517	80-43-38	113.2	149.8	CLEAR

>> End of Channel 49 Study <<

EXHIBIT 1 FIGURE 3
JAMES EDWARD HOLLADAY
NEW TV, LELAND, NC

LELAND, NORTH CAROLINA AM STATION

HAOS/VS 7.69.00.00 / EXEC-32 7.69.00.00 2-Jul-96 0:32:09 @CON22
TITLE: James Holladay DB: DW 06/28/96

City of license	St Call	Aut	Hr	Cls	Freq	Oper.	D-kW	DRMS	Latitude
Licensee name	rec. date	R2cl	FCC file no.	N-kw	NRMS	Longitude			
LELAND	NC WAAV LIC	U III	980	DA-N	5	297.7	34-14-52		
HARA COMMUNICATIONS, INC.	020189	B	BL-850514AD	5	725.6	78-00-09			
BR-950810UB GRD 11/30/95(43642-12/5/95); Format: TLK; Network: NBC; Air date: 12/20/57; 2.48 Mi; 101.6 Deg									

TITLE: James Holladay DB: FCC 06/12/96

City of license	St Call	Aut	Hr	Cls	Freq	Oper.	D-kW	DRMS	Latitude
Licensee name	rec. date	R2cl	FCC file no.	N-kw	NRMS	Longitude			
LELAND	NC WAAV LIC	D III	980	DA-N	5	297.7	34-14-52		
	101685	B	BL-850514AD			78-00-09			
2.48 Mi; 101.6 Deg									
LELAND	NC WAAV LIC	N III	980	DA-N			34-14-52		
	101685	B	BL-850514AD	5	725.6	78-00-09			
2.48 Mi; 101.6 Deg									

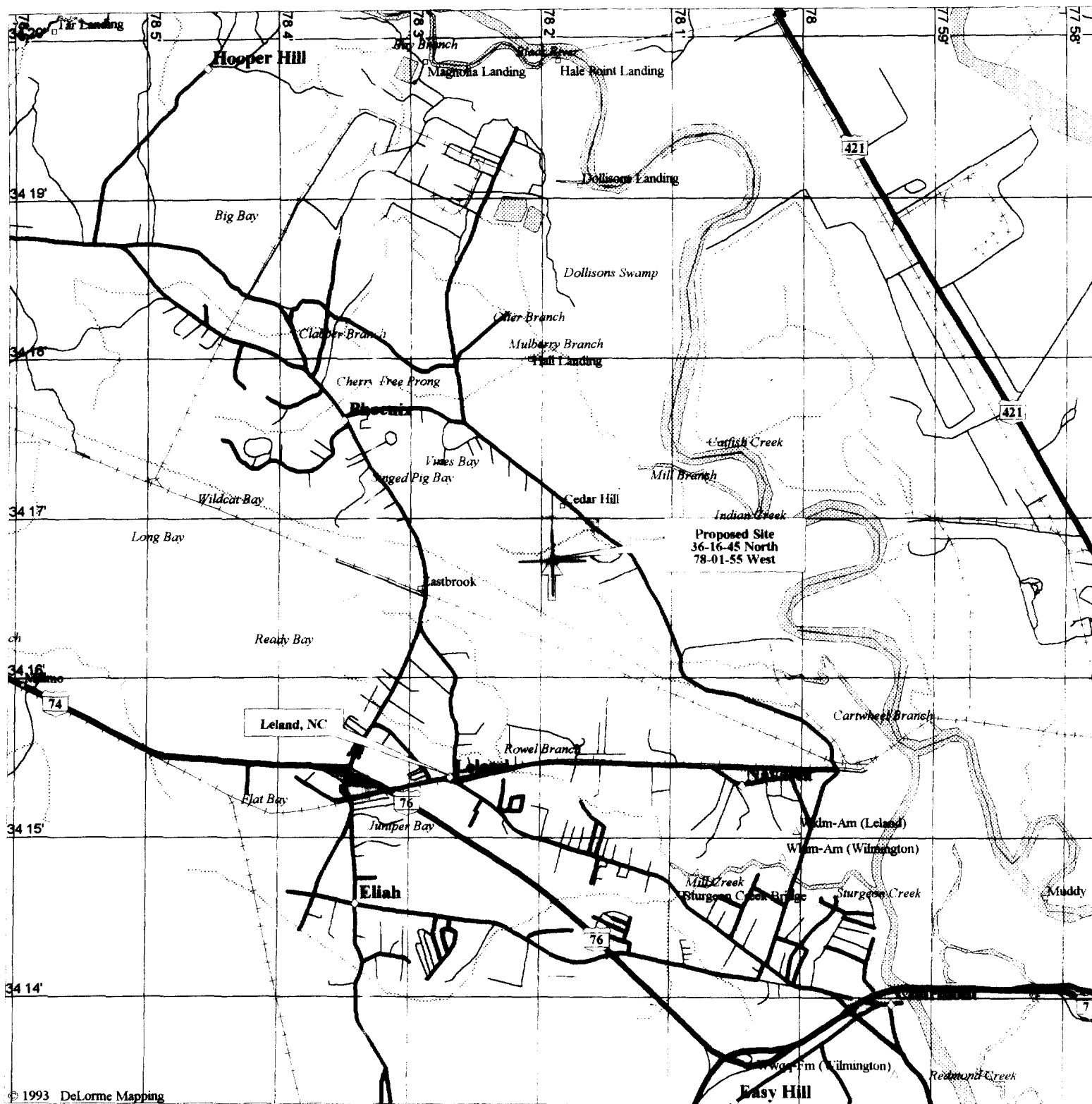
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STOP Normal Termination of Program at End Statement

Process 14 Terminated

Connect time 0:02:20

User 'SHERRI' logged off @CON22 2-Jul-96 0:34:31



LEGEND

Population Center	Major Street/Road
Geo Feature	State Route
Town, Small City	US Highway
Hill	Railroad
US Highway	River
County Boundary	Land Mass
Street, Road	Open Water
Hwy Ramps	

Scale 1:62,500 (at center)

1 Miles

2 KM

Mag 13.00

Mon Jul 01 12:22:15 1996

CERTIFICATE OF SERVICE

I, James Edward Holladay, of 215 North Broad Street, Winston-Salem, North Carolina, do hereby certify that an original and five copies of the attached *Petition for Rulemaking* were deposited into the US Mail, Return Receipt Requested, Postage Prepaid, as follows:

Original and Four Copies:

Mr. William F. Caton, Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Fifth Copy

Mr. William F. Caton, Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Note: The sixth document (fifth copy) is to be timestamped and returned to the Petitioner in the postage prepaid envelope provided.


James Edward Holladay
Affiant

This the Second day July, 1996